G. R. S. 58]

Previous references.

C.S. No. 13 – 2 C.

Later references.

T. to pension list 29/5/24

1913.14

(Courts)

File No. 92-13

Serial Nos. 1—11

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 – 11

Part B for September 1914.

SUBJECT.

Compassionate pension to S. Ramaswamy Iyengar, late Sheristadar of the Sub-Judge's Court, Bangalore.

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1. From The Regr. Chf Ct 859 of 8/9/13.
Forwards a copy of Chf Ct Progs. dispensing with the services of Ramaswamy Iyengar & states that compassionate pension may be granted to him

2. To The Regr Chf Ct 9453 of 16/9/13.
Calls for the entire Records.

From The Regr Chf Ct 1791 of 31/10/13
Forwards the ~~above~~ 15 copy of Chf Ct Progs. commencing on the Remarks made by Mr. J. P. L. O. in the case of Ramaswamy Iyengar late Sheristadar of Jr Judge

GPB—5,000—22-10-16

From The Regr Chf Ct

Forwards 953 of 16/7/13.
~~Calls for~~ the record of S.

From S. Ramaswamy Iyengar, 6/8/11/13

Sets for the certain facts connected with his case for the consideration of Govt.

To The Regr Chf Ct 1763 of 9 1/14
Drafts certain enquiries regarding Ramaswamiengars inefficiency.

From The Sheristadar, 2682 of 13 1/14.
270

Requests return of the papers sent with Sl No 4.

To The Regr Chf Ct 2082 of 26 1/14.
Returns the record.

From The Sheristadar 3071 of 2/3/2/14.
245

States that it is inexpedient, if Govt are not inclined to Grant a compassionate passionate pension to him the recommendation of the Chief Court, in this respect, be restored.

To The Regr Chf Ct
The Comptr Mysore Govt } 63-4 of 9 7/14.
Sanctions a compassionate pension of Rs 10/- per mensem.

To Mr S. Ramaswamiengar
J. 65 of 9/7/14
Copy of the above C.

To The Regr Chf Ct. } 706-7 of 9 9/14
The Comptr Mysore Govt }
Directs that Ramaswamiengar may be allowed to draw a subsistence allowance of Rs 15/- per mensem together with compa pension.

G.R.S. 11]

1913-14

GENERAL AND REVENUE SECRETARIAT.

(Cour-.)

NOTES.

File No. 92

FILE HEADING.

Compassionate pension to S. Ramaswamy Iyengar, late Sheristedar of the Sub Judges' court, Bangalore

From

The Registrar, Chief Court

No. 1132/93 Dated 5.9.13 Received 8.9.13

Diary No.	Enclos.	Spare Copies.	Serial No.
J 857	1		1

BRIEF ABSTRACT OF LETTER.

Forwards a copy of Chief Court Proceedings dispensing with the services of Ramaswamy Iyengar and states that the Chief Court are of opinion that a compassionate pension not exceeding Rs 10/- per mensem may be granted to him.

NOTES AND ORDERS.

1 In sanctioning a subsistence allowance of Rs 15/- per mensem to this official during the period of his suspension, Govt called for a report on the result of the enquiry then proceeding.

2 In their proceedings now read, the Chief Court have ordered that the services of this official be dispensed

NOTES—First Sheet. A.C.O.

GPB—30,000—12-8-11

2

[R. S. 12]

General and Revenue Secretariat.

Cts File No. 92 of 1913-14

Serial No.

with and in their letter to Govt they recommend that a compassionate pension not exceeding Rs 10/- per mensem, to may be granted to him.

3 The nature of the service rendered by this official since 1904 can to some extent be gathered from the summary given in the Chief Court Progs. What total service this official has put in or the nature of the service rendered by him prior to 1904 is not known.

4 The Chief Court incidentally animadvert on the attitude of the Dist. Judge towards the Chief Court and towards the Sub-Judge of Bangalore and also on the conduct of Mr Nagappa in having refused to be examined by the Counsel for Ramaswamy Iyengar.

Cts file no 197 of 09 regarding the arrears left in the Sub Judge's Court in Bangalore during the time Mr Jayarama Iyer presided over the court & Cts file 283 of 1912 regarding the unsatisfactory condition of the records in the same court are putup.

Sub to orders.

Kg.-11-6 10/11-9-13 The materials upon which the Chief Court's order of dispensation of the

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

General and Revenue Secretariat.

C5 File No. 92 of 1913-14

Serial No.

Shirastedar Ramaswamiengar's services, and their recommendation of the grant to him of a compassionate pension not exceeding Rs 10, and their animadversion on the conduct of messrs T. Paramasiva Iyer & C. Rajappa, are only to be gathered from the Chief Court's proceedings now submitted to Govt.

If approved the entire records of the case connected with the work of Shirastedar Ramaswamiengar will be called for.

NRL
11-9-13.

The Shirastadar of the Sub-Judge's Court draws a salary of Rs 60 + is thus within the powers of appointment possessed by the Chief Court. His dismissal can be ordered by them and until an appeal is preferred to Govt by the dismissed official, there seems no necessity to go into the question of the merits of that dismissal at present. The question of the Compassionate pension recommended has therefore to be considered.

2) As however the proceedings of the Chief Court incidentally contain

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

R. S. 12]

General and Revenue Secretariat.

File No. 92 — of 1913-14

Serial No.

Reflections on Gazetted Officers of a high Status, the entire records may be called & perused.

(Sd Secy) Secy 11/9

8 Paras 1 to 5 of the Progs of the Chief Court deal with the case of the Sheristedar; para 6 with the District Judge against whom the Chief Court make 4 important observations & to whom a copy of the Progs. has been sent by the Chief Court; and the last para, No 7, refers to Mr Nagappa's objectionable conduct.

9 A separate report about Mr Nagappa in connection with Exhs B2, B3 & B is promised. (para 4 of the Progs). This may also be awaited as there is no urgency now.

10 Of the four observations against the D. Judge, the only one seeming to deserve notice is his reference to the Chief Court in an apparently Satirical manner. The passage is —

The District Judge hoped that Mr Nagappa's "head has not been turned by the generous, learned & high minded support of the Hon'ble the Chief Court in connection with a case of carelessness in the Exercise of his judicial functions".

11 The entire proceedings may be called for as the remarks made against the D. Judge do not lend themselves to satisfactory disposal without them.

Draft 12/9

(1st Commissioner)

~~I do not think that the~~
The records may be called for.

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

Draft 12/9/13 Draft 13/9

13/9

(5

R. S. 12]

General and Revenue Secretariat.

65 File No. 92 of 1913-14

Serial No.	
	13 Diat calling for records is submd. Mg.-116 13.9.13 NM
	14 Issue SPR 13/9
2	To The Registrar, Chief Court No J 953 dy 16.9.13 Calls for the entire records resulting in the proceedings of the Chief Court dispensing with the services of Sheristedar Ramaswamy Iyengar.
3	From The Same Office No 1791/151 dy 21.10.13 Forwards in continuation of 81 a copy of the Chief Court Proceedings commencing on the remarks made by the Mr T. Paramasiva Iyer, Dist. Judge, against Sub Judge Mr B. Nayappa. Subs with refce to para 9 of these nots and para 4 of Chief Court Proc dy 1.9.13 Mg.-116 Submd for perusal 5/11/13 NM. The full records called for may be awaited Dr Levi SPR 5/11 17 yrs Decr 5/11

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

R. S. 12]

General and Revenue Secretariat.

File No. 92 of 1913-14

Serial No.	
4	From The Registrar, Chief Court No $\frac{1825}{157}$ dt $\frac{3}{4}$-11-13 Forwards the entire records called for in Gl 2. 18 Bangalore Dist. Judge's letter flagged T in the records, recd from the Chief Court, containing the observation referred to and extracted in para 10 of the note. Subd. Kg. - 116 7/11/13 (48) 7/11/13
5	From S. Ramaswamiengar Late Sheristedar of the Bangalore Subct dt $\frac{6}{8}$-11-13 Sets forth certain facts connected with his case for the consideration of Govt. 19 The petition now recd is also subd. Kg. - 116 10/11/13

Before proceeding to discuss the questions that await decision by Govt in this somewhat voluminous ~~discussion~~ file, it seems necessary to make a clear & concise statement of the facts of the case as well as

P.T.O

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

G. R. S. 12]

General and Revenue Secretariat. | C5 File No. 92 of 1913-14

Serial No.

20 Before proceeding to discuss the questions that await decision by Government in this somewhat voluminous file, it seems necessary to make a clear and concise statement of the facts of the case as well as the points for decision.

21 The file is primarily concerned with one S. Ramaswami Iyengar, late Sheristadar of the Sub Court, Bangalore who has been dismissed the service for inefficiency by the Chief Court, with a recommendation for a compassionate pension and who has now appealed to Government against that order. In dealing with this official's case, the Chief Court have animadverted on the conduct and methods of the District Judge and also dealt with a specific charge made by the District Judge against Mr. Nagappa, of having ante-dated a Memo written by him on a letter received by him from the District Judge. (Ex B2)

adopted by

22 The matters for disposal are therefore (1) the appeal of the dismissed official and (2) the consideration of the question whether further action or notice, if any, should be taken regarding the criticism passed by the Chief Court against the District Judge and the Sub Judge.

23 Firstly, as regards the Sheristedar's case. He was entertained as Sheristedar of the Sub Court in October 1897. How he discharged the work

NOTE—Contn. sheet.

GPB—65,000—17-9-12.

Serial No.

till 1904 is not apparent from these records; but since that date there seems to have been frequent complaints about his inability to manage the office with the result that arrears accumulated in all departments. This was brought to the notice of the Government early in 1910 and two extra clerks were sanctioned temporarily to clear off the arrears. Government also noted that the responsibility of the Sheristedar for the condition of things should be noticed. About this time the Sheristedar went on long leave from April 1910 to August 1911. In April 1911, Mr. Nagappa wrote to the Chief Court strongly condemning the Sheristadar's work and requesting that he might not be sent back to the Sub Court. But the Chief Court in their Proceedings dated 22nd August 1911 directed that another chance might be given to him with a warning that if after a fair trial he was still found incompetent, other arrangements would be made. He was then tried for a year and at the end of the period, Mr. Nagappa reported that his work was still unsatisfactory. Soon after, in September 1912, the District Judge dismissed him on the grounds that he tried to introduce certain records surreptiously into the Central Records and that he disobeyed the orders of the Sub Judge. The Chief Court to whom the order was sent for

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

Serial No.

for confirmation asked the District Judge to investigate the matter fully, framing definite charges against the Sheristedar and examining the Sub Judge and other persons concerned. The District Judge accordingly enquired into the matter, accorded the privilege of a counsel to the Sheristedar and sent up two reports to the Chief Court dated 13th June 1913 and 4th August 1913 respectively. He came to the conclusion that the charges of incompetency against him were fully proved and recommended his retirement on a pension of Rs. 10. The Chief Court have, on a review of all the circumstances of the case dispensed with his services and recommended him to a pension of Rs. 10.

The questions for consideration with regard to this appeal are

(1) whether the charges are proved

(2) whether the punishment of dismissal is deserved or proper.

Regarding (1). Several charges were framed by the Sub Judge, the first of which was that he was incompetent. Two other charges regarding attempt to surreptiously introduce records and failure to furnish explanation thereof were added by the District Judge. Para 3 of the Chief Court's Proceedings admirably sums up the evidence forth-coming against him about his inefficiency. There is this

R. S. 12]

General and Revenue Secretariat. | C/5 File No. 92 of 1913-14

Serial No.

this significant fact that since 1911 all the judicial officers, the Sub Judge, the District Judge, and the Chief Court have considered him unfit for the work of his office and attributed the unsatisfactory condition of the Sub Court to his incapacity. Nothing has been shown by the official why this unanimous disapproval of his work should not be accepted. The other count in the indictment, viz. the attempt to introduce records surreptiously has been practically admitted by him, though he pleads it was done at the instance of the Sub Judge.

Whether the punishment for his proved inefficiency is not too severe as stated by the official is a point for orders. In the last para of his memorial, he prays that if he were held incompetent as Sheristedar, he may be sent to any post of equal pay to any other office, as dismissal after a service of 16 years would be a great hardship.

The remarks made by the Chief Court against the District Judge have now to be dealt with. The points noted by the Chief Court are

(1) The District Judge did not furnish a helpful and concise summary of the facts of the case.

(2) While called upon to justify his order of dismissal, he has made attacks against the Sub Judge against whom he is prejudiced.

(3) He allowed the Sheristedar to appear by

NOTE—Contn. sheet.

GPB—61,000—17-6-12.

Serial No.

by counsel contrary to the intentions of the Chief Court.

(4) In his letter dated 13th June 1913 he referred to the Chief Court in a satirical manner. (vide penultimate para of the letter)

(5) His conclusion that the Sub Judge deliberately ante-dated Ex. B 2 was based on slender grounds and he sent the report against the Sub Judge through the office instead of confidentially.

The first three items are of more or less minor importance and the last two alone seem to require any notice. With reference to the last item it may be observed, the Sheristadar raised this point in his statements and the District Judge had therefore to enquire into it, by examining the witnesses adduced by him. His conclusion on the matter is differed from by the Chief Court who, after obtaining the explanation of Mr. Nagappa consider the charge of ante-dating Exhibit B 2 by Mr. Nagappa to be internally improbable and supported by no trustworthy evidence.

Since the Chief Court have already recorded their disapproval of the methods adopted by the District Judge in the case and of the action of the Sub Judge in refusing to be examined further before the District Judge, Shimoga, it is a point for orders whether there is any necessity to

GPB—65,000—17-6-12.

General and Revenue Secretariat. | File No. 92 of 1913-14

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to pursue the matter further.

Submd & order

Dy Secy

SRajagopal

2/12

30 The main question requiring orders is about the Sheristedar. The finding that he is inefficient does not appear to be open to any doubt. But it apparently refers to the inefficiency of Ramaswamy Iyengar for the appointment of Sheristedar and not to his inefficiency for even less responsible ministerial appointments.

31 The recommendation made about the grant of pension to Ramaswamy Iyengar is hardly consistent with the finding. No pension is admissible in the case of inefficiency, strictly speaking.

32 The better course appears, in my humble opinion, to be to reduce the official to the next ministerial post on a Sub Judge's Court or a similar appointment in other Courts.

D. M. Narasimha Rao

1st Counsellor

6/12

33 The Hble. Ct may be asked to consider whether ~~his~~ this Official's inefficiency is so absolute as to prevent his being tried in another less onerous post as e.g. that of an ordinary clerk or

NOTE—Contn. sheet.

GPB—65,000—17-8-12.

[R. S. 12]

General and Revenue Secretariat.

Ct File No. 92 of 1913-14

Serial No.	
	translator, if necessary on reduced pay. Attention may also be invited to art. 240 of M.S.R. which precludes the grant of a Pension. 27/12/13
	Draft Rules 28/12
	34 Draft Subd.
	Rq. -46 3/1/14 -48 5/1/14
	Dy Secy 35 Approved SPR 3/1/14 Draft Rules 5/1
	36 Issue SPR 5/1
	Secy 11/1/14
6	To The Registrar, Chief Court No J 1963 dd 9-1-14 Makes certain enquiries regarding Ramanarayanayya's inefficiency and invites attention to art 240, M.S.R.
7	From the Same Officer No 2682/220 dd 13-1-14 Request return of the papers send with st 4

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

General and Revenue Secretariat.

CS File No. 92 of 1913-14

Serial No.

37 Draft returning papers submd.
Reg.-116
19/1/14
(CP)
19/1/14

38 Issue
SOR
28/1

8 To The Registrar, Chief Court
No J 2082 dy 26-1-1914
Returns the records as desired

9 From the Senior Opsec
No 3091/245 dy 2/3-2-1914
States with refee to SC's that the two judges who took part in the impl recommendation are of opinion that it is inexpedient to re-entertain Ramaswamy Iyengar in any capacity in the pub Dept and that, if Govt are not inclined to grant a compassionate pension to him, the recommendation of the Chief Court may, in this repect, be vetoed.

39 Subd with refee to para 33.
Reg.-116
7/2/1914
First Member)
Dr Secs)
SOR
7/2
Dmg 7-2-14
9/2

10 I am inclined to think that the treatment is too hard

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

General and Revenue Secretariat.

Cls File No. 92 of 1913-14

Serial No.

that the man may be employed on a less responsible post of about 40 or 45 Rs. If Dewan agrees, the ~~case may be treated~~ order may be passed or the case dealt with as a Council case.

~~Dewan~~ 11/2/14 12/2 Dewan

7599
13.2.'14

41 This may be brought up at a Council meeting.

12-3-14 RC.

for the meeting.

Dte to be marked Compl

12/3

42 As the hon judges are strongly of opinion that it will be inexpedient to entertain Ramaswamy Iyengar in any capacity in the judicial dept, it seems hardly wise to instal him again here in any position. As Re his employment in any other department, it would

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

G. R. S. 12]

General and Revenue Secretariat.

C5 File No. 92 of 1913-14

Serial No.

Subordinate
Lex of all discipline & efficiency in Govt. Service
if he is retained, no matter what
Capacity, as he has not only been found in-
efficient but also given to surreptitious
practices.

15.3.14

43 secs 2/16/3

1913 secs

Do &c.

Letter
- NOTE for meeting
25/4/3

NOTE—Contn. sheet.

G P B—60,000—7-11-13

GPB—1,000—19-7-13

17

Extract from the Proceedings of the 317th Meeting of the Council of His Highness the Maharaja, held at Bangalore on the 8th April 1914.

6. Subject.- (Clause v of the Schedule).

Appeal of S.Ramaswami Iyengar, late Sheristedar of the Sub-Judge's Court, Bangalore, against the order of the Chief Court dispensing with his services and proposing to recommend him for a compassionate pension not exceeding Rs 10/- per month.

OPINION OF THE COUNCIL.

44 The Council do not see sufficient grounds to interfere with the order of the Chief Court dispensing with Ramaswami Iyengar's services. A compassionate pension of Rs 10/- per mensem to him may be sanctioned as recommended by the Chief Court.

Sd. M. Visvesvaraya,
Dewan of Mysore.

"Extract"
Srinivasa Rao
Secretary to Government.

General and Revenue Secretariat.

C5 File No. 92 of 1913-14

Serial No.

45 Submitted with Enclosures & Council Proceedings.

46 If approved, the proposal may be sent to B III for taking further necessary action (in connection with the "Secret" if needed in the matter of the pension)

1st member

23/6/14

47 Allright

19/6 June 1914

B-III for order

48 Subd. This may be sent to Br II for further action as regards the grant of special pension under art 499 M.S.R. A draft returning the records to Kg.-116 the Chief Court is also subd.

21-4-1914 MM. 49 Yes. Please transfer file 45 to Br II for further action

E 21.4.14

50 The Council recommend the grant of a compassionate pension to the Sheristadars. The grant is outside the scope of the M.S.R. It seems therefore necessary that the

NOTE—Contn. sheet.

GPB—60,000—7-11-13

General and Revenue Secretariat.

cls File No. 92 of 1913-14

Serial No.	
1286.	the recommendation should receive the approval of H. H. the Maharaja 51 The ground cannot also be brought under art: 499 M. S. R. and it has to be made as a special case Subd. DMR. 30/IV 24.4.14. 52 Mrs Jones an accountant outside the rules. Has specially been the executive of the Maharaja under the rules no question is admissible to one dismissed for misconduct or inefficiency. H. Hall 53 I agree. Ms should have noted clause of schedule applicable M 27/4 H. Hall
1288	54 Subd to the Dewan for orders with a copy of subm[illegible] Vide - Dewan)
9426 4.5.14	4-5 H

NOTE—Contn. sheet.

GPB—60,000—7-11-13

Submitted to His Highness.

55 These papers relate to the grant of a compassionate pension of Rs. 10/- per mensem to S. Ramaswami Iyengar, late Sherisdedar of the Subordinate Judge's Court Bangalore, whose services have been dispensed with by an order of the Chief Court of Mysore.

56 2. S. Ramaswami Iyengar was entertained as Sheristedar of the Subordinate Judge's Court in 1897. The Chief Court have found that his record from at least 1904 onwards, is one of continued inefficiency and incompetency that though he was given fair chances for improvement, he has shown no improvement and that he is entirely unfit for the post. They have accordingly dispensed with his services but recommend the grant of a compassionate pension of not more than Rs. 10/- a month. The Council after going through the records of the case, along with the appeal of Ramaswami Iyengar, do not see sufficient grounds to interfere with the order of the Chief Court and are of opinion that a compassionate pension of Rs 10 per mensem to him may be sanctioned as recommended by the Chief Court though, under Article 240 of the Mysore Service Regulations, no pension is admissible to an officer discharged for inefficiency or incompetency.

57 3. The recommendation of the Council may be graciously sanctioned under Article 499 of the Mysore Service Regulations.

M. Visvesvaraya
24th May 1914.

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Compassionate pension of Rs. 10 per mensem to S.Ramaswami Iyengar, late Sheristadar of the Subordinate Judge's Court, Bangalore.

No 2588
24.5.14

No. 1019

Order.

58 KRM
29/5/14

Secretary
31.5.14
RC

Draft
9/6
Draft
JSM
3/6

General and Revenue Secretariat.

CS File No. 92 of 1913-14

Serial No.

59) Sub° with a draft order.
Mg.-116
18/6/1914 VL

Secy) SJOR 15/6
First Member) Draft approved 15/6 SR

60) draft appd: by 1st Member.
NR.
22.6.14. Draft 25/6

61) Issue
NR 25/6

10 To The Registrar, Chief Court
The Comptroller, Nasarabad
No J63-4 dy 9-7-1914

State that Govt consider that sufficient grounds do not exist for interfering with the order of the Chief Court and sanctions a compassionate pension of Rs 10/- per mensem.

To S. Ramaswamy Iyengar
No J65 dy 9-7-1914

forwards a copy of the above.

62) A draft amending the above order as directed in S+A file 2 of 1914-15 is subd.
Mg.-116 VL 63) May be approved
15.8.14 First Committee 19/8/14

NOTE.—Contn. sheet.

GPB—60,000—7-11-13

G. R. S. 12]

General and Revenue Secretariat.

cs File No. 92 of 1913-14

Serial No.

First Committee)

64) It is hard to make the man refund 5 Rs for a year out of his pittance of 10 Rs a month. Is there any objn to giving the pension with effect from date of G.O.?

17/8/14

Hon'ble Member

18/8/14

H Dept

65) The pension may take effect from the date of the G.O — more so under the provisions of art: 505 R-I-R. But the question is whether the subsistence allce sanctioned under G.O. No. J.233-4 d: 25-7-13 may continue even after the Chief Court passed final orders on 1-9-13. If it may, it should be under special orders of Govt.

Sub.

DMO 20/8/14. SW 21/8/14. Hon'ble Member

4/2/14

66) It may be specially ordered that he will

NOTE—Contn. sheet.

G. R. S. 12]

4406

General and Revenue Secretariat.

File No. 92 of 1913-14

Serial No.

209

Draw subsistence allce at Rs 15/- pm. upto 8th July 1914 & that the compassionate allce at Rs 10/- pm. should begin from 9th July 1914 the date of the first order sanctioning it.

M
25/8

2nd Br III
67.

Subd with a revised draft accordingly

Kly. 116
27.8.14

Draft approved

28/8

First Councillor

Draft appd. by First member
28.8.14

29/8

10 Issue

28/8

11 [illegible]

NOTE—Contn. sheet.

GPB—10,000—13-8-14

1132 Genl.
No. 93

1

CHIEF COURT OF MYSORE,

Bangalore, dated 5th September 1913.

J859

From,

THE REGISTRAR of the
Chief Court of Mysore.

1913-14
Genl-
92 9/9/13-14
1

To,

The SECRETARY to the Govt: of Mysore,
General and Revenue Departments.

Sir,

Adverting to the Proceedings of Government No. J.233-4/Cls. 11-13-2 dated the 25th July 1913, sanctioning a subsistence allowance of Rs. 15/- per mensem to C.Ramaswamy Iyengar, Theristedar of the Subordinate Judge's Court, Bangalore, under suspension, and stating that the Government will be glad to have an early report on the result of the enquiry into the official's case, I am directed to forward a copy of this Court Proceedings, dated the 1st Instant, dispensing with the services of the official.

Taking, however, all the circumstances of the case into consideration, the Chief Court are of opinion that a compassionate pension not exceeding Rs. 10/- per mensem, may be granted

2

granted to the said official, and they accordingly recommend the same.

I have the honour to be,

Sir,

Your most obedient servant,

Registrar.

N. G.

AB

Confidential

3

PROCEEDINGS OF THE CHIEF COURT OF MYSORE.

Nov. 1122/87.

Bangalore, dated 1st September 1913.

Encl to CS 92-13-

Re Sheristedar Ramaswamy Iyengar.

----- :0:: -----

1. The Chief Court has perused the whole file relative to the case of S. Ramaswami Iyengar, Cheristedar of the Subordinate Judge's Court, Bangalore.

2. These records, and particularly the 'Order Book' show that the office work of the Subordinate Judge's Court, which was under ~~him~~ Sheristedar Ramaswamy Iyengar's direct supervision and control has, since 1904, if not earlier, been in a disgraceful state of confusion and arrears. From that year up till now, four different Subordinate Judges have from time to time, had to animadvert on the continual delay in the despatch of all ~~the~~ branches of office work, the want of discipline and control therein, the unpunctual attendance of the office, and the want of systematic check on the work of the clerks. Year after year the office had to be ordered to work through the vacation, Dussara and other holidays to endeavour to clear off the arrears, and

during

during those periods the Sheristedar was specifically ordered to be in charge. In 1904 the work of superintending the grant of copies was for a time taken away from him, and in 1909 the charge of the stationery was similarly taken from him, because he was unfit to look after those branches. Up to 22-4-1910 when he went on leave, the work of the office for ~~the last~~ 6 years under ~~him~~ had been consistently inefficient and slack. It is not pleaded by the Sheristedar that the office was undermanned or that he was himself overburdened with work. On 21-4-1910 shortly after Mr. Nagappa had joined, and when there was no obvious ill-feeling between him and the Sheristedar, he recorded that the Sheristedar was incompetent, inefficient, unpunctual, and did not take the least interest in his work. The Chief Court sees no reason why it should not accept this as an unprejudiced and candid summing up at this date of the Sheristedar's character and work, especially as it coincides with the experience of 3 other former Subordinate Judges under whom the Sheristedar had worked. After this expression of opinion by his superior officer on 21-4-1910, the Sheristedar

5

Sheristedar took leave and was on leave until 24-8-1911. During that period, to judge from the order book, the office was running fairly smoothly and the arrears were being reduced. After the Sheristedar's return to duty on 24-8-1911, the same tale of arrears and of endeavour to get him to cope with them begins again, until on - ~~12~~ 11-9-1912 he was suspended.

4. As regards the years 1903 - 1910, the chief evidence now available is to be found in the Order Book. But subsequent to that there is ample evidence on record of the utter state of chaos into which the office had drifted. On 10-11-1909, 5,808 records of suits were not indexed or pheristed. On 31-1-1910, 2,000 records of suits were not indexed or pheristed and 531 decrees were not written up. These records and decrees related to years from 1906 to 1909. These facts in themselves are sufficient to brand the Sheristedar as a hopelessly inefficient head of the office. The Sheristedar endeavours to blame his successor, but obviously that explanation cannot be accepted. On 24-4-1911, the Subordinate Judge reported him to the Chief Court, com-

complaining of his inefficiency and slackness. On 22-8-1911 the Chief Court passed an order that "the Chief Court are disposed to give Ramaswami Iyengar another chance. He will be allowed to return to duty with a warning that if after a fair trial he be found to be still incompetent, other arrangements will have to be made". On 4-9-1912, that is, about a year after this order, the Subordinate Judge reported that the Cheristedar's work was still unsatisfactory and on 6-9-1912 he placed him under suspension. The Cheristedar pleads that this report and action were due to personal animosity, but the Subordinate Judge's report is amply borne out by the results of the inspection of the Court by Mr. Justice Wallace on 2-11-1912. The Cheristedar had returned to duty on 24-8-1911, and had had ample time to show an improvement on his former work. Perusal of these inspection notes will show that the Cheristedar exercised no sort of check over the issue of process, that he had taken no steps to get the office records and papers sorted and arranged, that over 200 process memos unused and unissued were found bundled

bundled in a wooden box, that the registers of records sent to the Central Record Room were so carelessy kept as to be of no practical use, while many records o - cases from 1893 onwards which ought to have been sen to the Central Record Room were found lying in an almirah that many miscellaneous papers mostly relating to years prior to 1909-10 as per lists A, C and D were found unsorted and unguarded, that papers as per list B relating to pending suits were not filed with their respective case records, that the indexing of records was done most imperfectly, and that over 150 cases and 100 miscellaneous and execution cases disposed of from June to September 1912, had not been indexed, that 115 copies of orders, judgements and decrees of the Chief Court on appeal were lying loose, not filed with the records of the cases to which they belonged, that certain Exhibits in cases of 1910-11 and 1911-12 were lying loose, that a large bundle of account books, which apparently were exhibited or filed in connection with some cases of the time of Mr. Jayaram Iyer were lying loose and that the suit registers were very carelessly maintained. His is a formidable list of indictments. The Chorister's

general explanation is that the indictments should be applied to the official who was acting during the period of his leave, but this explanation cannot be accepted and is demonstrably false. The great bulk of the papers in lists A, B, C and D relate to his time, and the reports prior to the Sheristedar taking leave show that he hampered his successor with a formidable list of arrears. It is of no help to him that the Subordinate Judge's report of 10-9-1910 that all arrears had been cleared up on that date was not true. That does not absolve him of responsibility for the arrears.

4. The Sheristedar endeavours to "draw a red herring across the track" by alleging that ~~that~~ the order on Exhibit B, by the Subordinate Judge, calling on him to explain an attempt to surreptitiously introduce on 20-11-1911 a bundle of unarranged and unlisted records into the Central Record Room, the disobedience to which order was the immediate cause of his suspension, was not given to him on 20-11-1911 (Exhibit B_2) but on 10-9-1912, and that Exhibit B_3 was written by the Subordinate Judge on some subsequent date. Even assuming that this is so

(and

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(and we shall deal with this matter separately) the Chief Court cannot see that it helps his case or affects the main fact that he contrary to all rules, made that attempt, an obvious proof that he was aware of these records and attempted to conceal his own carelessness in not seeing that they had been properly filed.

5. The Chief Court is therefore clearly of opinion that the record of this Cheristedar from at least 1904 onwards is one of continued inefficiency and incompetency, that he has never introduced or enforced any system in or control over his office, that the result of his administration has been to reduce the office to a state of almost hopeless chaos in every department, and that he is entirely unfit to retain his post. He has been given a fair last chance as ordered by the Chief Court on 22-3-1911 and he has shown no improvement whatever. The Chief Court therefore orders that his further services shall be dispensed with. It will however recommend to Government that he should be allowed a compassionate pension of not more than Rs. 10/- per month.

6.

6. The Chief Court cannot conclude these proceedings without animadverting on the conduct of the District Judge, Mr. Paramasiva Iyer, as disclosed in these records. Instead of submitting to this Court a helpful and concise summary of the case against the Heristedar and a brief statement of the grounds on which he acted on 16-9-1912 summarily dismissed the Sheristedar, he has utilised the order of the Chief Court calling on him to justify his order of dismissal, in order to make charges against and criticise unfavourably the conduct of the Subordinate Judge, towards whom it is obvious from this and other reports which he has lately sent up to us, he bears a deep seated prejudice. The Chief Court ~~proceeds to~~ observes that, he, when called upon to justify his dismissal of the Sheristedar and put the case against him formally and properly, did, without the orders of the Chief Court, permit the Sheristedar, whom he himself had on the facts then on record, dismissed, to engage counsel ~~evidently~~ and to subject the Subordinate Judge to a lengthy and minute cross-examination on his administration of his office, and ~~whom~~ when the Subordinate Judge -

questioned

11

questioned his authority for such a proceeding, the District Judge reported his conduct to this court as 'defiant' and hoped that his "head has not been turned by the generous, learned and high-minded support of the Hon'ble the Chief Court in connection with a case of carelessness in the exercise of his judicial functions.. . . .". Even if the District Judge was of opinion that the order of this Court in that case erred on the side of partiality and generosity, and this Court is not concerned now to go into that matter, it was highly improper of him to have given expression to such an opinion in a public report. Following that up, the District Judge spends most of his report on the case of the Cheristedar, in considering whether or not the Subordinate Judge was guilty of antedating a note (Exhibit B2) on Exhibit B, finally comes to the conclusion that he is "an officer who has no scruples about indicating a deliberately false report" and appeals to the Chief Chief Court "to consider whether it is advisable to permit Mr. Nagappa to continue to occupy the responsible position of a Subordinate and Assistant Sessions Judge".

This

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This report was sent openly through his office, and not "confidential". It is not obvious that the conduct of Mr. Nagappa in the matter of Exhibit D_2 has any very important bearing on the efficiency or otherwise of the Sheristedar, though that conduct has evidently so influenced the District Judge that he now would reduce the punishment of the Sheristedar from dismissal to compulsory retirement on Rs. 10/-. If the District Judge thought the records disclosed improper conduct on the part of the Subordinate Judge it was clearly his proper duty to make a separate confidential report thereon. The Chief Court must record its entire disapproval of the methods adopted by the District Judge in this case.

7. With reference to Mr. Nagappa's refusal to be examined by the counsel for Ramaswami Iyengar before the District Judge of Shimoga, it may be observed that though he is technically right in taking objections to such examination, he is certainly not right when he says that he could not be examined at all with reference to the charges he had formulated against Ramaswami Iyengar.

The

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The order of this court authorised the District Judge of Bangalore to make such examination of Mr. Nagappa as he considered necessary in the matter and Mr. Nagappa should have submitted to that order. If, however, he had any doubt or difficulty in the matter, he should have asked the District Judge of Shimoga to obtain the orders of the Chief Court; but instead of doing so, he refused to be examined by the said Judge on the 20th May 1913. This conduct on his part was highly improper and objectionable.

Sd/ V. A. Raja Rama Mudaliar

Registrar.

N. G.

To The District Judge

Bangalore

'Copy'

Sd/ [illegible]

Registrar.

Calling for records re Sheristedar Ramaswamy Iyengar &c

G. R. S. 26]

857

Diary No. of letter replied to

General and Revenue Secretariat
( )
, *the* 191 .

Date of issue 16 · 9 · 13

Signed by Mr SP Rajagopala Sir,
Chief Secy

cts File No. 92 [redacted] 13
-14
Serial No. 2

No. J 953

To

The Registrar,
Chief Court

Adverting to your letter no. 1132/93, dt the 5th Sept 13, forwarding a copy of Chief Court Proc dispensing with the services of S. Ramaswamy Iyengr, Sheristedar of the Sub Judges' Court at Bangalore & recommending a compassionate pension to him, I am directed to request that the entire records relating to the said proceedings

P.T. over.

SUBJECT.

16/9/13

15

Maybe forwarded to Govt.

Have to

Do

For secy to Govt

List of enclosures,

Copied by

Examined by RS

1579

GPB—25,000—8-8-11.

No. 1791/151 Exc:1.

CHIEF COURT OF MYSORE. 16

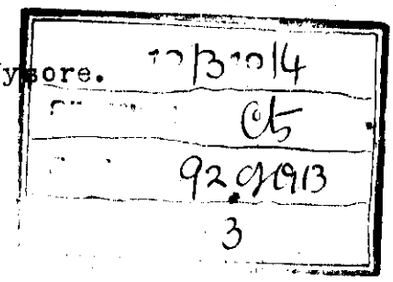
Bangalore, dated 31st October 1913.

182 Accounts/13

From,

DIARY No. J.1382

The REGISTRAR of the
Chief Court of Mysore.



To,

The SECRETARY to the
Government of Mysore,
General and Revenue Departments.

S i r,

In continuation of this office letter No.1132/93 dated 5th September 1913, forwarding a copy of this Court's Proceedings No. 1132/57dated the 1st Idem, dispensing with the services of S. Ramaswamy Iyengar, Sheristedar of the Subordinate Judge's Court, Bangalore, and with reference to para 6 of the same Proceedings, I am directed to forward a copy of this Court's Proceedings of this date for the information of Government.

I have the honour to be,
Sir.
Your most obedient servant,

Registrar.

N. G.

187.

Civil No: 1789-90/122

17

PROCEEDINGS OF THE CHIEF COURT OF MYSORE.

Bangalore, dated 31st October 1913.

Civil Misc 92-13-3

Read the remarks submitted by Mr. Nagappa, Subordinate Judge of Shimoga, with reference to this Court's Proceedings, dated 1st September 1913.

With reference to the charge made against Mr. Nagappa, by the District Judge of Bangalore (Mr. Paramasiva Iyer) in his report dated the 4th August 1913 to the Chief Court, viz that he antedated a note "Sheristedar to explain 20-11-1911" on Exhibit B2, the Chief Court are clearly of opinion, on the facts brought forward, that the charge cannot be supported. It is, to begin with, internally improbable, and the evidence with which it is supported is of a very dubious and untrustworthy character. The Chief Court cannot refrain from expressing astonishment that the District Judge arrived in such a facile fashion at the conclusion that the charge was true, and that he did not more thoroughly sift such a serious charge against an official of the position of a Subordinate Judge.

The papers will be recorded.

sd/ V. A. Raja Nathamudaliar
Registrar

To,

The District Judge of Shimoga for communicati
to Mr. Nagappa.

The District Judge of Bangalore for informat

'copy'

R. G.

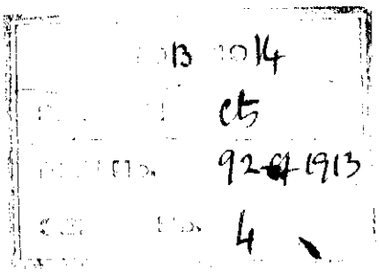
Registra

MM.

No. 1825 Enclos. Records.
157

J 1416.

18



BANGALORE,
3rd November 1913.

From

The Registrar of the
Chief Court of Mysore.

To

The Secretary to the
Government of Mysore,
General and Revenue Departments.

Sir,

Adverting to your letter No: J 953/Cts 92-13-2 dated 16th September 1913, I am directed to forward the entire records resulting in the Chief Court's Proceedings dispensing with the services of S. Ramaswamy Iyengar, Sheristedar of the Bangalore Sub Court.

I have the honor to be,
Sir,
Your most obedient servant,

REGISTRAR.

MB.
H.C.C.

To

THE SECRETARY,

TO THE GOVERNMENT OF HIS HIGHNESS

THE MAHARAJA OF MYSORE,

GENERAL AND REVENUE DEPARTMENTS.

Sir,

I respectfully beg that the following representations of the facts of my case may be kindly placed before Government for their gracious consideration.

1. That the Honourable Chief Court have, in their Proceedings No, $\frac{770}{348}$ dated 1st September 1913 (paras 1 to 5), been pleased to dispense with my services for reasons stated therein and to recommend the grant to me of a compassionate allowance of Rs. 10 a month.

2. The observations of the Honourable Chief Court in support of their decision above-mentioned constituted the very charges that were once brought against me and I was required to explain at an inquiry held in this behalf before the District Judge of Bangalore. As I was not given an opportunity of explaining them, I beg to be permitted to do so in the shortest possible manner now, this being the only chance open to me to bring to the notice of Government the injustice with which I have been treated.

3. In the Order Book of the Sub-Judge's Court, certain entries were made for the performance of office work. Those entries have been turned into charges against me and the Chief Court have been pleased to adopt them as reasons for dispensing with my services. It is my prayer that such adverse construction should not be put on those entries, as those are usually made in all the Civil Courts by the Presiding Officers for the guidance of office hands. In obedience to the orders so entered I attended the office on holidays and considerably reduced arrears unavoidable in so heavily worked an office as the Bangalore Sub-Judge's Court. I represented to the Presiding Judges from time to time that the establishment as it was, was under-manned to cope with extra work, thrown on it by the abolition of the District Court.

4. It is observed by the Honourable Chief Court that the immediate charge of stationery was taken away from me in 1909, by reason of my incapacity. I was relieved of this work not because I was incapable, but because Mr Jayarama Iyer, the then Sub-Judge thought that I should

attend to more important duties. Further, the custody of stationery is the duty not of the Sheristadar, but either of the Head-Munshi or the correspondence clerk.

5 When the Honourable Chief Court asked Mr. Jayarama Iyer, if he would take one Appa Rao Moodaliar, on his application for transfer from Mysore to Bangalore, Mr. Jayarama Iyer declined to have him in my place. If that gentleman had been dissatisfied with my work, he would certainly have been only too glad to get rid of me. Even his predecessors in office, knowing the heavy work of the office and the paucity of hands to cope with it, would have reported against me, if they had thought that I did not do my duty satisfactorily.

6. Some time after Mr. Jayarama Iyer assumed charge of the Sub-Court, he reported to the Honourable Chief Court on two occassions against the then decree-writing clerk for neglet of duty. The Government, in their first proceedings and upon the first explanation of Mr. Jayarama Iyer, called upon the Chief Court to forward those letters. Even now, both the explanations of Mr. Jayarama Iyer may be kindly sent for and perused, as they will disclose all about the exaggerated figures of Mr. Nagappa and also Sir Stanley Ismay's (the then Chief Judge's) remarks on them, and also my Memorial to Government dated 5th January, 1911.

7. After Mr. Nagappa assumed charge of the Sub Court he was taking away two clerks (Kunigal Ramaswamiah and Rungaiengar) to his house. The former attended throughout Mr. Nagapp's tenure of office in Bangalore, and the latter till he was transferred to Shimoga. I brought to his notice that from this, the limited establishment became still more unable to cope with the work in arrear. But he assured me of the required strength being soon sanctioned by the Chief Court. To gain his object Mr. Nagappa, not only, did not allow the office to clear the existing arrears, but also added to the same by disposing of more than 75 per cent of cases by compromise. Then he wrote to the Chief Court on the 31st January 1910, clubbing together a few arrears of Mr. Jayarama Iyer's time and a large number that accured during his short period, and thus created a necessity for the entertainment of two extra clerks. I then and there pointed out the incorrectness of his figures, but Mr. Nagappa told me not to mind it. Regarding this fact Mr. Jayarama Iyer's two explanations will throw abundant light. They will, not only, prove the falsity of Mr. Nagappa's figures but also prove how the office was working during Mr. Jayarama Iyer's time.

8. On the 17th February 1910 Mr. Nagappa brought Sir Stanley Ismay for inspection and misrepresented the fact as said in the previous para regarding the total quantity of arrears.

9. On the 28th March 1910 Government sanctioned two additional hands for this Court. The Honourable the Chief Court in communicating

this information ordered that the office should work at the arrears during the summer recess of that year with the newly sanctioned hands and to submit progress report. Mr. Nagappa asked me to draft a reply for the above to the Chief Court. I drafted one, but Mr. Nagappa did not approve of it and himself drafted a letter and asked me to initial it Seeing that Mr. Nagappa's draft misrepresented the existing state of affairs in the office, I hesitated to initial it and even told him so, but Mr. Nagappa insisted upon my initialling it. That was the commencement of strained feelings between Mr. Nagappa and myself (from 15th April 1910 to 21st idem), which necessitated my taking a long leave. It was during my absence on leave and behind my back that Mr. Nagappa wrote adverse remarks against me in the Order Book antedating it as 21-4-1910. (I may here refer to the certificate given to me by Mr. Nagappa on 28th February 1910 that my work was satisfactory and I bore an excellent character) A kind perusal of the enclosures A, B, C, D, E, F and G to my Memorandum of Appeal dated 5th January 1911 will clearly prove the existence of Mr. Nagappa's ill-feeling towards me and his subsequent conduct towards me till I was suspended by him on the evening of the 11th September 1912.

10. With reference to the observation of the Honourable Chief Court that during my leave, "the office was running fairly smoothly and the arrears were being reduced." I beg permission to state here that during my long leave some of the grave irregularities hereunder mentioned happened, namely :—

(1) The missing of a Suit Pronote in a certain Small Cause case.
(2) The tearing of a portion of the written statement in a case.
(3) The loss of some of the library books and furniture. and
(4) The disturbance of a certain minor's case and other irregularities.

Though Mr. Nagappa knew what all had transpired he never remarked against any one, in the Office Order Book, nor did he report them to the Chief Court. Nothing prevented Mr. Nagappa from doing this. This behaviour of Mr. Nagappa, I beg to submit, clearly proves the existence of ill-feeling between him and me. Had I been then in office Mr. Nagappa would not have hesitated one moment to bring me to trouble. Mr. Nagappa knew perfectly well that I would not be a party to his improper doings. Owing to the past unpleasant correspondence between him and me from the 15th to 21st April 1910 and the said Memorandum of Appeal, Mr. Nagappa, in order to wreak his vengeance against me, wrote the letter dated 24th April 1911, to the Chief Court marking it confidential, to prevent my rejoining duty, even after one year.

11. After I returned from leave on 28th August 1911 Mr. Nagappa told me that all the arrears had been cleared, and a report had been sent to the Chief Court. Being fully conscious of Mr. Nagappa's past conduct towards me, I took every precaution to examine every almirah, wooden

box and Registers in the office to satisfy myself. My examination proved that arrears had been never reduced nor cleared during my leave, as reported by Mr Nagappa, but that the office was in a most confused state. In support of this statement of mine I beg to draw the kind attention of Government to a Memo given by clerk Somasundar Rao, a few days after my return to duty, on his transfer to this Court from Shimoga, which is also exhibited in the enquiry before the District Judge of Bangalore and marked Exhibit C.

12. I lost no time in bringing the above fact to the notice of Mr. Nagappa and requested him to inspect the office to verify my statement. He came and saw and was quite convinced as to the confused state in which records, books, memos, and other papers were thrown loosely in different wooden boxes and almirahs. Thereupon he directed me to keep a Note Book and enter in it all I found and to submit the same to him weekly for his orders, so that he might speedily rectify the mistake. For some weeks he was passing orders thereon One day he suddenly came to office and took away that book and suppressed it, for fear, that it would expose him because the facts contained in it would falsify his Report to the Chief Court (vide my explanation to the District Judge through the Sub-Judge dated 17th September 1912.)

13. Notwithstanding all these difficulties in my way I sent many duly arranged records to the Central Records as borne out by the depositions of Kunigal Ramaswamiah and Somasundar Rao in the enquiry before the District Judge of Bangalore. The final report of the District Judge and the Proceedings of the Chief Court No. 770/348 dated 1st September 1913 are silent on the above point, because they go to favour my cause.

14. The Honourable the Chief Court have taken Mr. Nagappa's figures as correct. Regarding this I would most humbly beg the Government to refer to Mr. Jayarama Iyer's 1st and 2nd explanations to the Chief Court, and also to my appeal to Government dated 5th January 1911. I would have proved the falsity of those figures had not the District Judge refused to go into the matter previous to August 1911 (vide District Judge's two reports dated 13th June and 4th August 1913 respectively.)

15. Mr. Nagappa's marking confidential on his report against me dated 4th September 1912 to the District Judge was objected to by the District Judge in his docket No. 579-349 dated 6th September 1912 saying 'The undersigned sees nothing to justify the Sub-Judge marking his letter confidential.' How it was made is explained clearly in my affidavit dated 9th September 1912, and is all brought out in the enquiry before the District Judge of Bangalore. A kind perusal of the District Judge's second report to the Chief Court will amply prove that I was made a cats-paw of by Mr. Nagappa.

16. With reference to the observation of the Honourable Chief Court in the latter part of para 3 "the great bulk of the papers in lists A, B, C, and D relates to my time". I beg to invite the attention of Government to paras 52 and 54 of Mr. Justice Wallace's inspection notes.

Para 52 runs thus :—

"A perusal of the list C shows that most of them were received during the Sheristedar Anantaramiah's time and that process writing clerks were not attending to their work properly. It is clear that neither the Sub-Judge nor the Sheristedar have ever exercised any check over the issue of processes." and

Para 54 runs thus :—

"The acting Sheristedar's explanation should be obtained and submitted within one month for the state of the records as evidenced in lists A, B, C and D. The Sub-Judge will explain why he sent up a report to this court that all arrears had been cleared."

And on this explanation submitted by Mr. Nagappa and the acting Sheristedar Anantaramiah the Chief Court were pleased to observe in their Proceedings dated 13th March 1913 that the explanations submitted were not at all satisfactory.

17. It is observed by the Honourable the Chief Court in para 4 of their Proceedings that I, in order to conceal my own carelessness "attempted to surreptitiously introduce on 20th November 1911, a bundle of unarranged and unlisted *records* into the Central Record Room". In the first place it was not the *records* but only *Copies of Judgments and decrees* of the Chief Court that were taken, under the orders of the *Sub-Judge* for being filed in their respective records, which had already been sent to the Central Record Room: (vide additional charge No. I.) which runs thus:—

"That you on Saturday the 18th of November 1911, tried to introduce surrreptitiously into the Central Records without the orders of the Sub-Judge a confused mass of copies of Judgments and decrees of the Chief Court for being filed in the said office with the connected records *previously sent under the orders of the subordinate Judge*".

The then Record Keeper Sabapathy Mudaliar who has at last succeeded in getting my place and the District Judge (Mr. T. Parsmasiva Iyer), who was intrested in the official advancement of the former made so much fuss over this trival affair to gain their ends. When the District Judge's Memo dated the 20th November 1911 (calling for Mr. Nagappa's explanation alone and requiring him to hold an inquiry among the offiicials and to report thereon) was received in the Sub-Court, Mr. Nagappa shelved it

for over a year without passing orders on it, because he feared that, either, his Explanation or the report of his inquiry. would falsify his report to the Chief Court that all arrears had been cleared.

18. In the second place there was no carelessness on my part, for most of these copies of judgments and decrees of the Chief Court, were received in the Sub-Court during my absence on long leave of 16 months and the responsibility of filing them rests primarily with the clerks concerned. It could thus be seen that there was no necessity nor object to conceal my carelessness. On the other-hand Mr. Nagappa was all anxious in seeing that those copies were sent out to the Central Records at the earliest opportunity, lest their existence in his Court should be discovered either by the Chief Court or the District Judge and also because of the appearance in the Hindu Newspaper Madras, of certain articles in connection with his report to the Chief Court.

19. When after I returned from leave, I discovered these confused mass of papers, referred to above, and told Mr. Nagappa about them he at once directed me to take them to the Central Records and see them filed in their respective places. For a fortnight and even more I was urging on Mr. Nagappa's attention that such a procedure should not be adopted without the formal orders of the District Judge. Almost every day as soon as he came to office he used to remind me of this.

20, On the 18th November 1911 Mr. Nagappa assured me that he would be held responsible should any trouble arise in the matter and that I need not fear since I should be acting under his orders and asked me to carry out his orders. I respectfully declined, but he pressed me again and again and directed Kunigal Ramaswamayya to go with me to the Central Records. Both of us were obliged to go to the Central Records to file the Judgment copies in obedience to the expressed and repeated orders of Mr. Nagappa. I would have totally refused to do so, but Mr. Nagappa was all powerful, and any damur on my part to carry out his orders, right or wrong, would I thought have cost my appointment, because I had already suffered enough at his hands. Under these peculiar ciriumstances I can offer no better explanation than that in doing so I was only carrying out the orders of my superior officer.

21. From the Proceedings of the Hon'ble Chief Court it is clear that the importance of antedating (Exhibit B. 3), has been lost sight of. This circumstance is very material to my case and if it had been gone into fully not only my innocence would have been completely established but also it would bring to light the double part played by Mr. Nagappa. On receipt of the District Judge's Memo, for Mr. Nagappa's explanation and the report of his inquiry among the officials he was afraid to call for my

explanation in the face of his report to the Chief Court. But misrepresented to the District Judge that he had called for my explanation and that I disobeyed his orders. When I denied, in my explanation to the District Judge through the Sub-Judge dated the 17th September 1912, (copy of which had also been submitted by me to the Chief Court), that no such explanation was ever called for by the Sub-Judge, Mr. Nagappa in order to support his own misrepresentation to the District Judge, boldly wrote out exhibit B. 3 and antedated the same after, over a year. This fact has also been deposed to by clerks. K. Ramaswamiyya and Somasundra Rao and also advocate Mr. S. Narasimmaiengar in the inquiry before the District Judge of Bangalore and all the officials of the District Court from Sheristadar downwards are aware of this fact. Even though I begged the District Judge to examine at least, the Shirestadar of his Court and two other Clerks, who copied and compared the District Judges Memo in question, he was not pleased to grant my prayer,

22. If it had been my intention to conceal my carelessness in not sending these copies of Judgments and decrees, to the Central Records at the proper time and surreptitiously introduce them into to the Central Records, I, as a man of ordinary prudence, would not have entered them in the weekly inspection note book nor brought them to the notice of Mr. Nagappa. All these troubles would, then, not have happened to me. I am now made a scape-goat for doing what I was obliged to do at the bidding of my official superior.

23. My present grievance is, that full opportunity was not, at any time, given to me to disprove the charges brought against me. The District Judge of Bangalore restricted the inquiry to the two additional charges framed by him subsequent to August 1911; but the Hon'ble Chief Court have gone over the matters which took place long prior to August 1911 and have condemned me, for what I was not allowed to explain which, I beg to submit, is unfair and prejuditial to my interest.

24. Regarding the observations of the Honourable Chief Court about my inefficiency I beg to state that the following judges of the Honourable Chief Court Mr. J. W. Best, Mr. A. Rangaswami Iyengar, Mr. Staley and Mr. Moore made elaborate inspection of the Sub-Judge's Court when I was Sheristedar and none of them made any adverse criticism as to my inefficiency or as to my control over the office establishment.

25. If the cross examination of Mr. Nagappa, before the District Judge of Shimoga, had continued a day longer, I could have filed many papers proving with what vigilance I had managed the office and how Mr.

Nagappa was throwing obstacles in my way. But he refused to come to the District Court and to give evidence on the 2nd day and the Shimoga District Judge had to submit his Proceedings unfinished to the District Judge, Bangalore.

26. I cited only 9 witnesses as the District Judge restricted the inquiry subsequent to August 1911. Out of these only four were examined by the District Judge of Bangalore and he would not allow me to examine them fully. Though I requested him, he declined to inspect the registers or records which would have shown the falsity of Mr. Nagappa's unfounded accusations against me (vide my memorial to the Chief Court dated 1st Sepremher 1913).

27. On the facts recorded in the inquiry, I beg to submit that my witnesses would not have given evidence in favour of a suspended official like me and against Mr. Nagappa, if what they stated had not been true. The District Judge of Bangalore also finds that the additional charges namely :—

(1) The surreptitious introduction of copies of Judgments and decrees into the Central Records, and

(2) Disobeying orders of the Sub-Judge to tender my explanation—which alone formed the subject matter of the inquiry before him, were altogether disproved. Yet Mr. Paramasiva Iyer was always prejudiced against me, has condemned me as incompetent, ignoring the fact that much of the arrears mentioned in my weekly inspection note book (suppressed by Mr. Nagappa and referred to in para 12 supra) were cleared after my return from leave on 28th August 1911, as deposed to by clerks Somasundar Rao and Kunigal Ramaswamiah in the inquiry before the District Judge of Bangalore.

28. In conclusion I pray for a merciful treatment of my unfortunate case. If the Government notwithstanding the above representations should, however, agree with the Hon'ble Chief Court in their condemnation of my work, I would respectfully, pray Government to consider that dispensing with my services, altogether is too severe a punishment for the neglect of duty charged against me. I have put in 16 years service and it is too late for me to seek a new line of life. If I should be deemed to have been negligent of duty as Sheristadar of the Sub-Court I most humbly pray that the benign Government may be

graciously pleased to transfer me to any post of equal pay in any other office; as my immediate retirement from service and that too on a pension os Rs. 10 a month is a punishment whose severity is out of all proportion to the magnitude of the offence laid to my charge.

I beg to remain,

Sir.

Your Most Obedient and Humble Servant,

L. Rama Iyengar

Bangalore

Dated 6th November 1913.

Re Dismissal & Compassionate pension to [illegible] 28
Swaminjan, late Sheristedar of
the Sub Court Cb File No. 92 of 1913-14
Serial No. 6

G. R. S. 26]

S/1 1430

Diary No. of letter replied to

No. J 1963

General and Revenue Secretariat
( )
, *the* 191 .

To

The Registrar,
Chief Court

Date of issue 9/1/14

Signed by Mr S. Rangaswamy Iyengar
Chief

I have made Proposal

Sir,

Adverting to your letter no. 1132/93, & the 5th Sept 1913, forwarding a copy of the proceedings of the Chief Court dispensing with the services of S. Ramaswamy Iyengar Sheristedar of the Subordinate Judge's Court, Bangalore, and stating that the Chief Court recommend the Grant of a

P.T. over.

SUBJECT.

7

to their
Compassionate pension not exceeding
Rs 10/- per mensem, I am directed
to request that the Chief Comt
may consider whether the in-
efficiency on the part of this
official is so absolute as to
prevent his being tried in
another less onerous post like
that of an ordinary clerk or
translator, if necessary on a
reduced pay.

I am also to invite
your attention to art 240 of
the Mysore Service Regulations
which precludes the grant of
a pension to an officer re-
moved from the service for
inefficiency.

I have &c

Sd

For Secy to Govt 5/1

List of enclosures.

Copied by RS 9/1

Examined by

No. 116
3/1/14
C (48)
3/1/14
Sd
RS 8/1/14

GPB—25,000—8-8-11.

No. 2682/220

30

BANGALORE.

Dated, 13th January 1914.

13th J 2160

B 44
65
92-13
7

From

V. A. Rajaratna Mudaliar, Esquire,
Registrar of the Chief Court of Mysore.

To

K. R. Srinivasa Iyengar, Esquire, M.A.,
Secretary to the Government of Mysore,
General and Revenue Departments.

Sir,

With reference to your No. 1963/Cts. 92-13-6 dated 9th Instant, I am directed to request that the file of papers forwarded to you with this office No. 1825/157 dated 3rd November last may be sent back.

I have the honour to be,
Sir,
Your most obedient servant,

V. Rajaratnam

Registrar.

N. G.

G. R. S. 26]

31

Mr Rajagopalachariar to return certain papers

cls File No. 929

Serial No. 1913 8

Diary No. of letter replied to .....

No. J 2082 Sub 1 Madras

General and Revenue Secretariat

( )

, *the* 191 .

To

The Registrar,

Chief Court

Date of issue 26/1/14

Signed by S. Rajagopalachariar Esqr

Sir

I am directed to return herewith the file of papers connected with Sheristedar Ramaswamiengar case and to request that the same may be retransmitted with the reply called for in this office letter no. J 1963/cls 92-13-6 dt the 9th inst.

I have the honour to be

Sir

Your most obedient servant

for Secy to Govt

SUBJECT.

Leg-116

28/1/14

(G.S.)

19/1/14

No. 3091 Judicial Records Branch

245

32

BANGALORE.

Dated, 2nd February 1914.

3rd

J 2406.

From

V.A.Rajaratna Mudaliar, Esquire,
Registrar of the Chief Court of Mysore.

13-14
Cts
92-13
No. 9

To

K.R.Sreenivasa Iyengar, Esquire, M.A.,
Secretary to the Government of Mysore,
General and Revenue Departments.

S i r,

Adverting to your letter No. J. 1963/Cts. 92-13-6 dated the 9th January 1914 in re S.Ramaswamy Iyengar, late Sheristedar of the Subordinate Judge's Court, Bangalore, I am directed to state that the two judges who took part in the original recommendation made to Government are of opinion that the Chief Court having already recorded its emphatic opinion that the person in question is hopelessly incompetent and inefficient and accordingly dispensed with his services, it is inexpedient to reentertain him in any capacity in the Judicial Department, consistently with the efficiency of the clerical work of the Department. If the Government are however prepared to try him in any other Department there can of course be no objection.

As

33

As regards the grant of a pension, the recommendation was made in the belief that Government might be inclined to show some concession by way of compensation to the dismissed official. If they are not inclined to exercise their special powers in this respect the recommendation may be vetoed.

The file of correspondence is retransmitted, to be obligingly returned when no longer needed.

I have the honour to be,
Sir,
Your most obedient servant,

Registrar.

A.V.

MB

3 Sanct a Compassionate pension of Rs 15/- to late 34

G.R.S. 28]

25/6

Sheristedar S. Ramaswami Iyengar

206

Ch File No. 92 of 1913

Serial No. 10

Diary No. of letter replied to

Proceedings of the Government of His Highness the Maharaja of Mysore

GENERAL AND REVENUE SECRETARIAT.

( )

READ—

Govt Proc no J233-4/Ch 11-13-2, dt 25th July 1913, sanctioning a subsistence allowance of Rs 15/- per mensem to S. Ramaswamy Iyengar late Sheristedar of the Subordinate Judge's Court, Bangalore while he was under suspension.

the Circular Commissioner 191 .

Date of issue

Signed by

ORDER THEREON. No.

I paper under respd

2) Letter no 1132/93, dt 5th Sept 1913, from the Registrar, Chief Court, forwarding copy of the proceedings of the Chief Court

O.T. over.

SUBJECT.

35

dispensing with the service of the official and recommending that a compassionate pension not exceeding Rs 10/- per mensem may be granted to him.

3) Memorial dated the 6th Nov 1913 from S. Ramaswamiyar praying that the order of the Chief Court dispensing with his service may be revised and that he may be transferred to any post carrying the pay that he was in receipt of, should the Court also consider him to have been negligent of duty as Sheristedar of the Subordinate Judge's Court.

II Paper under disposal

4) Correspondence ending with letter no. 3091/245-1 dt the 2nd Feb 1914, from the Registrar, Chief Court, inviting remarks on the subject.

K

Order thereon - no.

J 63-64 dt 9.7.14.

After going through the records of the case along with the Memorial of Ramaswami Aiyar

GPIC-20,000—2-10-11

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form.)

Govt consider that sufficient grounds do not exist for interfering with the order of the Chief Court.

2) A compassionate pension of Rs 10 per mensem is however sanctioned in favour of Ramaswamy Iyengar, as recommended by the Chief Court, under Art 499 of the Mysore Service Regulations.

2/6/14

Draw 1916. For Secy to Govt

To The Registrar, Chief Court,
reporting the expiry recently
The Comptroller, Mysore Exd,
Miro' Pr II.

J 65 D 97.14 Copy to S. Ramaswamy Iyengar, late Sheristedar, Sub Court, Bangalore.

By order

For Secy to Govt

Reg. 116
18/6/14

Comptr
8/7/14

Stating the date from which the pension Sanctd
Ramaswamy Iyengar shd take effect 37

●G.R.S. 28]

Compld
No 76 1348 - 39
8-14
8-9-14

Cls File No. 92 of 1913

Serial No. 11

Diary No. of letter replied to _____

Proceedings of the Government of His Highness the Maharaja of Mysore

GENERAL AND REVENUE SECRETARIAT.

( )

, *the* R 191 .

READ—

Govt Proceedings No J63-4/Cls 92-13-10 dated the 9th July 1914, sanctioning a compassionate pension of Rs 10/- per mensem to S. Ramaswamy Iyengar, late Shirastadar of the Subordinate Judges' Court, Bangalore.

~~ORDER THEREON.—No.~~

Order thereon - No J706-7

Govt are pleased to direct that Ramaswamy Iyengar may, as a special case, be allowed to

O.T. over.

Date of issue 4-9-14.

Signed by M G. Srinivasaiya

SUBJECT.

draw the subsistence allowance of Rs 15/- per mensem sanctioned to him vide G. P. no. J 233-4/ Cls 11-13-2, dated the 25th July 1913, up to the 8th July 1914 and that the compassionate pension of Rs 10/- per mensem ~~sanctioned to him in the proceedings read above~~ should begin from the 9th July 1914, the date of the order sanctioning it.

28/8/14

Rs 27/- for Offg Sec to Govt

To The Registrar, ~~Clerical Section~~

The Comptroller, Mysore Gate,

Thro' Br II.

Kg. 416
27.8.14

copied.
Mr 2-9-14

9/9